

3036

STATUS OF APPLICATION

Change in point of diversion
 Date filed 5-7-74
 Date of hearing 1-11-77
 Place of hearing Pendleton
 Date of order 5-18-77 Vol. 29, page 41
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued **DEC 28 1982** Vol. 46, page 51354

Surveyed
 2-79
 Rechecked 3/80

DESCRIPTION OF WATER RIGHT

Name of stream Umatilla River
 Trib. of _____ County of Umatilla
 Use irrigation
 Quantity of water 0.20 cfs No. of acres 15.0
 Name of ditch _____
 Date of priority May 25, 1967
 In name of Theodore Iszler
 _____ Adjudication, Vol. _____, page _____
 App. No. 43651 Per. No. 32631 Cert. No. 38292
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-7-74	30.00 [*]	39947
11-1-76	45.00 P.O.N.	56678
TOTAL 5-16-77	8.59	60534
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

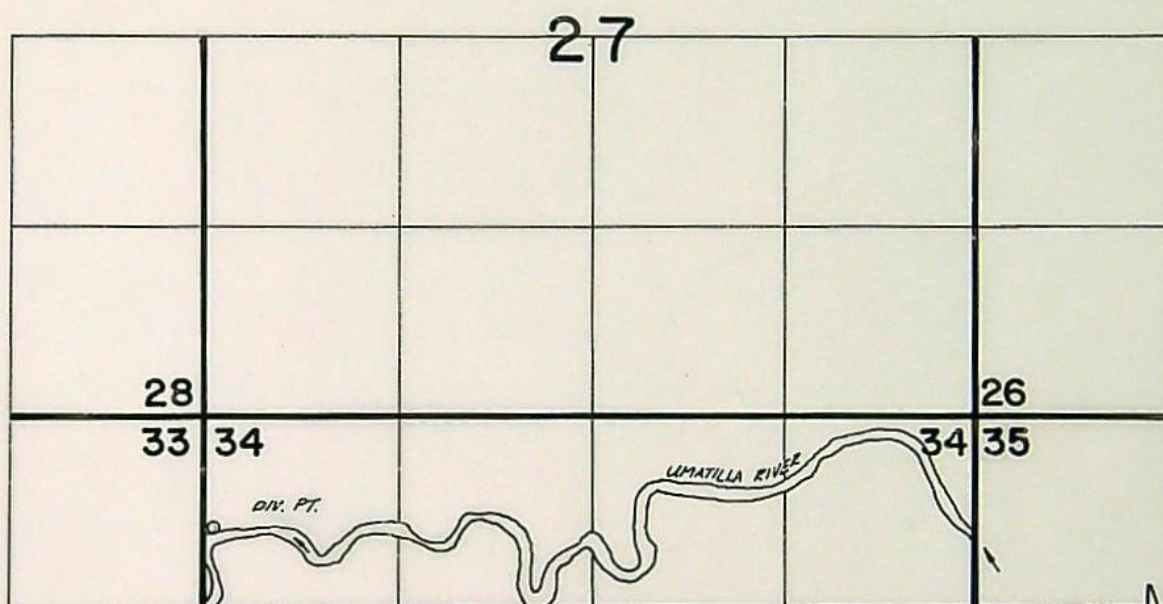
1-6-77 * \$8.59 Trsf. from Rec. Fees to
 P.O.N. Rec # 56678 to
 make a total of \$53.59, which
 was made into a check to pay
 The Hermiston Herald for
 publishing the Water Right Transfer.
 1-6-77 Ch. #1054 \$53.59

REMARKS

See #50554, 43651
 SEE T-5584 Add'l POD

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<u>WA</u>	Name	<u>✓</u>	<u> </u>
	<u>WA</u>	Stream	<u>✓</u>	<u> </u>
	<u>WA</u>	Pt. of Div.	<u> </u>	<u> </u>
	<u>WA</u>	Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:				
<u>0</u>	Twp. & Rge.	<u> </u>	<u> </u>	
<u> </u>	Decree-vault	<u> </u>	<u> </u>	
<u> </u>	Decree-safe	<u> </u>	<u> </u>	
<u>✓</u>	Cert. of W/R	<u>lg</u>	<u>lg</u>	
<u>✓</u>	Per. Folder	<u> </u>	<u> </u>	
<u> </u>	Chainindex	<u> </u>	<u> </u>	
<u>✓</u>	Cross Ref.	<u> </u>	<u> </u>	
<u> </u>	Power Claim	<u>✓</u>	<u> </u>	

T. 4N. R. 28E. W. M.



DIVERSION POINT LOCATED 740' S. & 50' E. FROM NW COR SEC 34

*Superseded
10/82*

FINAL PROOF SURVEY
UNDER

TRANSFER 3036

Application No. Permit No.
IN NAME OF

.....J. R. SIMPLOT COMPANY.....

Surveyed 2-27-1979 by V. G. HURSH

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF THEODORE ISZLER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM UMATILLA RIVER)

ORDER APPROVING
TRANSFER NO. 3036

On May 7, 1974, Theodore Iszler filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Umatilla River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 38292, Volume 30, State Record of Water Right Certificates, in the name of Theodore Iszler, describes an existing right of record for the use of not to exceed 0.20 cubic foot per second from Umatilla River for irrigation of 13.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 4 North, Range 28 East, W.M., with a date of priority of May 25, 1967.

Water for the said right is diverted from 2 points located (1) 830 feet South and 510 feet West (2) 870 feet South and 1340 feet West from the North quarter-corner of Section 34, being within the (1) NE $\frac{1}{4}$ NW $\frac{1}{4}$ and (2) NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 4 North, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, from the said 2 points of diversion to one point of diversion located 750 feet South and 2140 feet West from the North quarter-corner of Section 34, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 4 North, Range 28 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of November 18, and 25, and December 2, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion from Umatilla River described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.20 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Theodore Iszler and recorded at Page 38292, Volume 30, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water

to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Theodore Iszler.

Dated at Salem, Oregon, this 18th day of May, 1977.

/s/ JAMES E. SEXSON
Director

STATE OF OREGON
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

TYPE Certificate

This Is to Certify, That

J. R. Simplot Company

THEODORE ISZLER

PO Box 1059

Capwell

ID 83605

of Route 1, Box 240, Hermiston, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Umatilla River

a tributary of Columbia River
irrigation of 15.0 acres

for the purpose of

under Permit No. 32631 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 25, 1967

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.20 cubic foot per second, if available at the original points of diversion; NE 1/4 NW 1/4, NW 1/4 NW 1/4, Sec 34 T4N R28E WM, 830'S & 510'W, 870'S & 1340'W both from N 1/4 Cor Sec 34

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the NE 1/4 NW 1/4, NW 1/4 NW 1/4, Section 34, T. 4 N., R. 28 E., W. M. Diversion points located: 830 feet South and 510 feet West; 870 feet South and 1340 feet West; both from N 1/4 Corner, Section 34.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

13.8 acres NE 1/4 NW 1/4
1.2 acres NW 1/4 NW 1/4
Section 34
T. 4 N., R. 28 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered May 18, 1977 and supersedes certificate of water right recorded at page 38292, Volume 30, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

31354

**NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 3036
FOR CHANGE IN POINT
OF DIVERSION**

Notice is given hereby that Theodore Iszler has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Umatilla River.

Certificate of water right recorded at Page 38292, Vol. 30, State Record of Water Right Certificates, in the name of Theodore Iszler, describes an existing right of record for the use of not to exceed 0.20 cubic foot per second from Umatilla River for irrigation of 13.8 acres in NE 1/4 NW 1/4 and 1.2 acres in NW 1/4 NW 1/4, Sect. 34, T. 4 N., R. 28 E., W.M., with a date of priority of May 25, 1967.

Water for the said right is diverted from 2 points located (1) 830 ft. S. and 510 ft. W. (2) 870 ft. S. and 1340 ft. W. from the N. 1/4 corner of Sec. 34, being within the (1) NE 1/4 NW 1/4 and (2) NW 1/4 NW 1/4 of Sec. 34, T. 4 N., R. 28 E., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss, of priority, from the said 2 points of diversion to one point of diversion located 750 ft. S. and 2140 ft. W. from the N 1/4 corner of Sec. 34, being within the NW 1/4 NW 1/4 of Sec. 34, T. 4 N., R. 28 E., w.m.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on January 11, 1977, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Theodore Iszler, Rt. 1, Box 352, Hermiston, Or. 97838, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for

hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 8th day of November, 1976.

JAMES E. SEXON
Director

Pub.: Nov. 18, 25 and Dec. 2, 1976.

AFFIDAVIT OF PUBLICATION

State of Oregon

County of Umatilla

} ss.

I, **G. M. Reed**, being first duly sworn, depose and say that I am the publisher of The Hermiston Herald, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020, Oregon Compiled Laws Annotated; printed and published at Hermiston in the aforesaid county and state; that the

Notice of Water Right Transfer Application No. 3036 for Change in Point of Diversion, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for...3...successive and consecutive weeks in the following issues:

Nov. 18, 25 and Dec. 2, 1976.

G. M. Reed

Subscribed and sworn to before me this *2nd* day of *December, 1976*

Norma M. Richels
Notary Public for Oregon

My commission expires *May 31, 1982*



RECEIVED

DEC 13 1976

WATER RESOURCES DEPT
SALEM, OREGON